

REMARKS/ARGUMENTS

The Office Action dated September 5, 2008 rejected Claims 1-3, 5, 7-9, 12, 16, 18-19, 21-23, 25, 27-28, and 31-42 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,347,472 to Pellegrin, Jr. (referred to hereafter as "the Pellegrin reference") and rejected Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Pellegrin reference in view of U.S. Patent No. 6,179,358 to Hirayama et al. (referred to hereafter as "the Hirayama reference").

As indicated above in the claim amendments section of this response, Applicants have amended Claims 1-5, 12, 16, 18, 19, 21, 27, and 34, canceled Claims 7-9, 22, 23, 25, 31-33, and 35-42, and added Claims 43-48. With the entry of the claim amendments, Claims 1-5, 12, 16, 18, 19, 21, 27-29, 34, and 43-48 are pending. Applicants respectfully request the reconsideration of the rejected claims in view of the above claim amendments and the following remarks and the consideration of the newly added claims.

1. The primary reference relied upon in the Office Action is the Pellegrin reference.

The Pellegrin reference discloses an expandable trailer. The trailer includes two opposing and telescopic slide outs and a third slide out closer to the front end of the trailer (Figures 1 and 2). The trailer also has foldable floors (Figure 3). In the expandable configuration, the two opposing slide outs define a laboratory section and the third slide defines a conference section (Figures 1 and 2). The laboratory section is used "to train medical personnel via conducting one or more training activities and exercises on the anatomic material using various types of medical devices, equipment, and instrumentation" (Col. 3, lines 66- col. 4, line 3). The equipment does include four examination tables and equipment that is normally found in an operating room (Figure 1, col. 5, lines 28-33; col. 6, lines 18). The conference section includes a standard conference room set up with a table, chairs, and video projector (Figure 1).

2. Claims 1-5, 12, 16, 18, and 19 are patentable over the Pellegrin reference.

With the entry of the above claim amendments, Claim 1 and the claims that depend therefrom, Claims 2-5, 12, 16, 18, and 19, recite, among other things, a first medical treatment patient area that includes first and second rows of a plurality of patient treatment bays and “one or more curtains for dividing each of the patient treatment bays and for providing treatment bays therein.” Claim 1 and the claims that depend therefrom, Claims 2-5, 12, 16, 18, and 19 further recite a second medical treatment area that includes at least one operating station comprising an operable table for medical care.

The Pellegrin reference fails to disclose any of the above-mentioned elements. For example, the Pellegrin reference fails to teach or suggest curtains for dividing each of the patient treatment bays and for privacy. Moreover, providing or using curtains would appear to be counter-productive to a training environment disclosed in the Pellegrin reference in which it would be beneficial to have an open environment such that an instructor could supervise several trainees and stations at once. As another example, the Pellegrin reference fails to disclose a first medical patient treatment area having first row of a plurality of patient treatment bays and a second row of a plurality of patient treatment bays and a second medical patient treatment area that includes at least one operating station. The Pellegrin reference discloses four examination tables, two tables on one side of the trailer and two tables on the other side of the trailer. This two tables per side of the trailer arrangement does not meet the elements of a first row of a plurality of treatment bays, a second row of treatment bays, and an operating station.

In view of the foregoing, Applicants respectfully submit that the Pellegrin reference fails to teach each and every element of Claims 1-5, 12, 16, 18 and 19 as required under 102(e) and, thus, the rejections of these claims under 102(e) has been overcome and should be withdrawn.

In addition to the above, Claim 3 further recites an awning system for providing an extending patient care work environment and substantially around the trailer. Although the Pellegrin reference discloses an awning, it is limited to the entrance and is not configured to provide additional treatment area. (Col. 12, lines 3-8). In other words, the Pellegrin reference

also fails to teach or suggest the additional element of Claim 3 which is yet another reason why Claim 3 is patentable over the Pellegrin reference.

3. Claims 21, 27, and 28 are patentable over the Pellegrin reference.

With the entry of the above claim amendments, Claim 21 and the claims that depend therefrom, Claims 27 and 28 recite, among other things, a first patient treatment area defined at least partially by the first and second slide outs and includes first and second rows of a plurality of patient treatment bays and one or more curtains for dividing each of patient treatment bays and for providing privacy therein. Claims 21, 27, and 28 also recite a second patient treatment area at least partially defined by the third slide out and includes at least one operating station.

As discussed above regarding Claim 1, the Pellegrin reference fails to disclose or suggest privacy curtains and such curtains would be counter productive to the objective of the Pellegrin reference which is to provide a training environment. The Pellegrin reference also fails to disclose first and second slide outs that define a first patient treatment area and a third slide out that defines a second patient area that includes at least one operating station.

In view of the foregoing, Applicants respectfully submit that the Pellegrin reference fails to teach each and every element of Claims 21, 27, and 28 as required under 102(e) and, thus, the rejections of these claims under 102(e) has been overcome and should be withdrawn.

Furthermore, Claim 27 further recites an awning system that extends substantially around the trailer. As discussed above with respect to Claim 3, the Pellegrin reference fails to disclose such an awning system and, thus, is yet another reason why Claim 27 is patentable over the Pellegrin reference.

4. Claim 34 is patentable over the Pellegrin reference.

With the entry of the above claim amendments, Claim 34 recites a method that includes "providing one or more curtains for dividing each of the treatment bays for privacy therein." The method further recites providing a first medical treatment defined at least partially defined

by the first and second slide outs having first and second rows of a plurality of patient treatment bays and a second medical treatment patient area at least partially defined by the third slide out and includes at least one operating station.

The Pellegrin reference fails to disclose any of the foregoing elements. As discussed above, the Pellegrin reference fails to disclose or suggest privacy curtains and such curtains would be counter productive to the objective of the Pellegrin reference which is to provide a training environment. The Pellegrin reference also fails to disclose first and second slide outs that define a first patient treatment area and a third slide out that defines a second patient area that includes at least one operating station.

5. Claims 4 and 29 are patentable over the Pellegrin reference and the Hirayama reference.

Claims 4 and 29 were rejected as being obvious, under 103(a), in view of the Pellegrin reference and the Hirayama reference.

Claim 4 depends from Claim 1 and Claim 29 depends from Claim 21. As discussed above, the Office Action asserted that Claims 1 and 21 are anticipated by the Pellegrin reference. The Office Action further asserted that the Hirayama reference discloses the additional element of Claims 4 and 29, *i.e.*, "a second trailer for storing equipment or supplies."

However, as discussed above with respect to Claims 1 and 21, the Pellegrin reference fails to disclose each element of Claim 1 and 21, *e.g.*, the privacy curtains. The Hirayama reference also fails to disclose these missing elements and was not cited for that purpose. Therefore, even assuming arguendo that it is proper to combine the disclosures of the Pellegrin reference and the Hirayama reference such a combination still fails to disclose each and every element of Claims 4 and 29 as required under 103(a). Applicants submit that the rejections under 103(a) of Claims 4 and 29 have been overcome and should be withdrawn.

6. The above claim amendments are supported by the present application as originally filed.

Each and every amendment to the claims is supported by the present application. For example, with respect to curtains for privacy, the application as filed disclosed the following: “[i]ndividual patient treatment bays 120 may be segregated for privacy by dividing curtains 122” (page 12, line 32 – page 13, line 1). Moreover, the curtains 122 are clearly visible in the figures (figures 5-8 and 23). As another example, with respect to the awning system extending around the trailer, the application as filed disclosed that the following: “[a]s shown in Figures 25 and 26, the mobile medical facility 10 may also include an awning system 155 for extending the capabilities of the medical facility 10 outside the trailer 11. The awning system 155 may include a plurality of joists 156, a plurality of columns 157, and a tent canvas 158. The joist 156 and columns 157 together form a tent-like frame around the trailer 11. The canvas 158 is placed over the frame forming an enclosed and protective area.” (page 16, lines 10-15).

7. The newly added Claims 43-48 are supported by the present application and patentable over the Pellegrin reference and the Hirayama reference.

Each of the newly added claims depends from an independent claim directly or indirectly through one or more intervening claims. Specifically Claims 43-45 depend from Claim 21 and Claims 46-48 depend from Claim 34. As discussed above with respect to Claims 21 and 34, the Pellegrin and the Hirayama references do not disclose each and every element of either Claims 21 and 34. Therefore, the Pellegrin and the Hirayama references also do not disclose each and every element of Claims 43-48 that depend from Claim 21 or Claim 34. As such, the newly added claims should be patentable over the Pellegrin and the Hirayama references.

Moreover, Claim 43 recites having six patient treatment bays per row and two operating stations. Claims 45-47 recite additional features of an awning system. Claim 48 further recites designating the patient treatment bays as critical care or general care depending on the location of the bay. Neither the Pellegrin reference nor the Hirayama reference does any of these additional elements. Therefore, each of the newly added claims provides an additional basis for being patentable over the Pellegrin reference and the Hirayama reference.

Each of the newly added claims is supported by the present application as filed (e.g., for Claim 43 see page 13, lines 6-9 and the figures; for Claim 44 see page 13, line 26-30 and the figures; Claims 45-47 see page 16, line 10- page 17, line 10 and the figures; and Claim 48 see page 12, lines 22-27 and the figures).

8. Consideration Of Previously Submitted Information Disclosure Statement

It is noted that initialed copies of the PTO Forms 1449 that were submitted with Applicants' Information Disclosure Statements filed on August 1, 2008; August 15, 2008; and August 28, 2008 have not been returned to Applicants' representative with the Office Action. Accordingly, it is requested that an initialed copy of each of the Form 1449 be forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of each of the Information Disclosure Statement and the Form 1449 are enclosed hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

Applicants further note that another Information Disclosure Statement is being submitted concurrently with the present Amendment and respectfully request the Examiner consider this Information Disclosure Statement as well.

9. Fees and Extensions

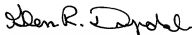
In view of the above remarks and claim amendments, Applicants submit that each of the rejections set forth in the Office Action dated September 5, 2008 has been addressed or overcome and thus each rejection in the Office Action should be withdrawn.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/552,135
Amdt. dated March 5, 2009
Reply to Office Action of September 5, 2008

for such extensions and petitions (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Glen R. Drysdale
Registration No. 56,342

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 5, 2009.